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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 FRANCIS T. HARRIS,

8 Plaintiff,

9 v.

10 DR. KENNEDY,

11 Defendant.

12 NO: CV-12-5145-RMP

13 ORDER DENYING APPLICATION  
14 TO PROCEED *IN FORMA PAUPERIS*  
15 AND DISMISSING ACTION

16 By Order filed January 23, 2013, the Court directed Mr. Harris to either pay  
17 the \$350.00 filing fee for this action under 28 U.S.C. § 1914, or to comply with the  
18 *in forma pauperis* statute, 28 U.S.C. § 1915(a)(2). ECF No. 5. Mail sent to Mr.  
19 Harris at the Benton County Jail was returned, marked, "return to sender." ECF  
20 No. 6. Plaintiff has not kept the court apprised of his change of address.

21 The District Court Executive had previously notified Plaintiff of the  
22 requirement to submit a six month statement of his inmate account by letter dated  
23 November 2, 2012, ECF No. 3. That letter, sent to the Franklin County Jail, was

1 returned as undeliverable with the notation, "Not in Custody." ECF No. 4. Plaintiff  
2 has not complied with the Court's directives, and he has filed nothing further in this  
3 action.

4 For the reasons set forth in the Court's previous Order, **IT IS ORDERED**  
5 that the application to proceed *in forma pauperis* is **DENIED** for failure to comply  
6 with 28 U.S.C. § 1915(a)(2) and this action is **DISMISSED without prejudice** for  
7 failure to prosecute and to comply with this Court's directives under Rule 41(b),  
8 Federal Rules of Civil Procedure.

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
10 Order, enter judgment, forward copies to Plaintiff at his last known address, and  
11 close the file. The Court certifies any appeal of this dismissal would not be taken  
12 in good faith.

13 **DATED** this 19th day of February 2013.

14  
15 *s/Rosanna Malouf Peterson*  
16 ROSANNA MALOUF PETERSON  
17 Chief United States District Court Judge  
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